

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FIRST DAY — WEDNESDAY, MARCH 22, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 80).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent — Alvarado.

The invocation was offered by Patrick B. Furtaw, pastor, Fairmont Christian Church, Pasadena, as follows:

Heavenly Father, Paul encourages that first of all supplication, prayer, intercession, and giving of thanks be made for all men and especially those in authority that we may lead quiet and peaceable lives. We thank you now, Father, for our distinguished Texas House of Representatives. Though we do not always agree with what they do, we do appreciate them and their willingness to serve. We recognize today that it is always those who are out front, active and making the tough decisions, that are the most vulnerable to the public's criticism. Please help us to be grateful for their labors and to honor the esteemed offices they hold. And help them, along with our governor, our lieutenant governor, and our state senate, to remember that it is the people of the State of Texas who have elected them to these offices and it is you that have appointed them to this work and enabled them to perform it. We ask now for your wisdom to prevail over these proceedings and that as a result of today's efforts, Texas will be a better place to live. We ask this in the strong name of Jesus.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolutions:

HCR 74, HCR 123, HCR 136**MESSAGE FROM THE SENATE**

Austin, Texas, March 22, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SB 68 by West, Royce, relating to the reckless discharge of a firearm and other common or public nuisances; creating an offense and providing criminal penalties and civil remedies.

SB 222 by Zaffirini, relating to a prohibition of the requirement of a polygraph examination of a complainant as a condition of charging a defendant accused of certain criminal offenses.

SB 251 by Bivins, relating to the handling and marketing of citrus fruits and vegetables and to the produce recovery fund.

SB 291 by Moncrief, relating to voluntary adoption registries.

SB 365 by Moncrief, relating to the continuation and functions of the Texas Historical Commission and to the abolition of the Antiquities Committee and the transfer of the committee's functions to the commission.

SB 409 by Ratliff, relating to the accounting treatment of premium and discount associated with the purchase of certain securities for the permanent school fund.

SB 472 by Bivins, relating to the waiver of the visual standards for a commercial driver's license to operate a commercial motor vehicle only in this state.

SB 482 by Zaffirini, et al., relating to the creation, powers, and duties of the Texas Volunteer Health Corps.

SB 529 by Wentworth, relating to remedies for unauthorized use of certain Olympic symbols.

SB 748 by Henderson, relating to authorizing certain local governments to accept ownership of conveyed property in certain circumstances.

SB 768 by Montford, relating to the recovery of the costs of administering the state water pollution control revolving fund and additional state revolving funds.

SB 770 by Leedom, relating to fees collected by certain county officers.

SB 774 by Barrientos, relating to participation in, contributions to, and benefits and administration of retirement systems for firefighters in certain municipalities.

SB 864 by Barrientos, relating to participation in and benefits and administration of retirement systems for police officers in certain municipalities.

SB 981 by Truan, relating to the registration of foreign commercial motor vehicles, trailers, and semitrailers.

SB 1420 by Truan, relating to temporary registration permits for commercial motor vehicles.

Respectfully,
Betty King
Secretary of the Senate

CAPITOL PHYSICIAN

Speaker Laney presented Dr. R. G. Corona of Dallas as the "Doctor for the Day."

The house welcomed Dr. Corona and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 455 - ADOPTED

Representative Oakley moved to suspend all necessary rules to take up and consider at this time **HR 455**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Oakley,

HR 455, Honoring Irene Coltharp Leslie on the occasion of her 90th birthday.

The resolution was read and was adopted without objection.

On motion of Representative De La Garza, the names of all the members of the house were added to **HR 455** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Oakley, who introduced Irene Coltharp Leslie and her family.

HCR 136

HCR 136, recognizing March 22, 1995, as Paris-Lamar County Day at the Capitol, having been previously adopted, was read.

HR 460 - ADOPTED

Representative Coleman moved to suspend all necessary rules to take up and consider at this time **HR 460**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Coleman,

HR 460, Congratulating the Texas Southern University basketball team on its outstanding season.

The resolution was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 460** as signers thereof.

HR 456 - ADOPTED

Representative Howard moved to suspend all necessary rules to take up and consider at this time **HR 456**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Howard,

HR 456, Honoring State Representative Bob Rabuck on his birthday.

The resolution was read and was adopted without objection.

On motion of Representative Kubiak, the names of all the members of the house were added to **HR 456** as signers thereof.

HR 393 - ADOPTED

Representative Davis moved to suspend all necessary rules to take up and consider at this time **HR 393**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Davis,

HR 393, Honoring Chris V. Semos.

(McCall in the chair)

The resolution was read and was adopted without objection.

On motion of the Dallas Delegation, the names of all the members of the house were added to **HR 393** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Davis, who introduced the Honorable Chris V. Semos, former member of the house of representatives.

HR 419 - ADOPTED

Representative Luna moved to suspend all necessary rules to take up and consider at this time **HR 419**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Luna, T. Hunter, and Berlanga,

HR 419, Commending Dr. Hector P. Garcia.

The resolution was adopted without objection.

HR 453 - ADOPTED

Representative Luna moved to suspend all necessary rules to take up and consider at this time **HR 453**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Luna, T. Hunter, and Berlanga,

HR 453, Commending Buddy R. Venters for his service to Del Mar College.

The resolution was adopted without objection.

**PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS**

The speaker laid before the house and had read the following proclamation by the governor:

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 74TH LEGISLATURE, REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, George W. Bush, Governor of the State of Texas, submit the following emergency matter for immediate consideration by the 74th legislature, now convened:

Relating to the compensation of the commissioner of education and the payment of certain expenses.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at my office in the City of Austin, on this the 20th day of March, 1995.

George W. Bush
Governor of Texas

(SEAL)

Antonio O. Garza, Jr.
Secretary of State

RESOLUTIONS REFERRED TO COMMITTEE

The following resolutions were laid before the house and referred to committee:

By Gutierrez,

HR 444, Commending the Nomad Shrine Club.
To Committee on Rules and Resolutions.

By Gutierrez,

HR 445, Commending Demetrio Ochoa for his service to his country.
To Committee on Rules and Resolutions.

By Gutierrez,

HR 446, In memory of McAllen police officer Reynaldo Lopez.
To Committee on Rules and Resolutions.

By Gutierrez,

HR 447, Congratulating Travis Middle School for being designated as a state Blue Ribbon Award winner.
To Committee on Rules and Resolutions.

By Greenberg and Naishtat,

HR 448, Commending the Reverend Ralph M. Smith.
To Committee on Rules and Resolutions.

By Puente and Rodriguez,

HR 449, Congratulating the East Central High School boys' basketball team.
To Committee on Rules and Resolutions.

By Munoz,

HR 450, Commending U.S. Customs Officer Stephen Jenkins for his remarkable act of heroism.
To Committee on Rules and Resolutions.

By Davis,

HR 451, Commending E. Rochelle Brown for her accomplishments in broadcast journalism.
To Committee on Rules and Resolutions.

By Conley,

HR 452, Honoring Dick Gregory.
To Committee on Rules and Resolutions.

By Harris and Uher,

HR 454, Recognizing March 28, 1995, as Brazoria County Day at the Capitol.
To Committee on Rules and Resolutions.

By Pitts,

HR 457, Designating March 29, 1995, as Ellis County Day.
To Committee on Rules and Resolutions.

By Park,

HR 458, Congratulating Josephine Habeeb Ferris on her 80th birthday.
To Committee on Rules and Resolutions.

By Telford,

HCR 138, Commending Dr. John F. Moss for his service as president of East Texas State University at Texarkana.
To Committee on Rules and Resolutions.

(Speaker in the chair)

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolution:

SCR 94

SB 319 ON SECOND READING
(Seidlits - House Sponsor)

The speaker laid before the house, on its second reading and passage to third reading,

SB 319, A bill to be entitled An Act relating to a nonsubstantive recodification of the Public Utility Regulatory Act.

The bill was read second time.

Amendment No. 1 (Committee Amendment No. 1)

Representative Seidlits offered the following committee amendment to the bill:

Amend **SB 319** as follows:

(1) Strike Section 1.004 (page 6, lines 20-22, Engrossed version), and substitute a new Section 1.004 to read as follows:

Sec. 1.004. DEFINITIONS IN TITLE. In this title, "public utility" or "utility" has the meaning assigned by Section 2.001 or 3.001 of this Act.

(2) In the first sentence of Section 2.001 (page 42, lines 23-24, Engrossed version), strike "In this title, "electric utility" or "utility" means" and substitute "In this title, "public utility" or "utility" means".

(3) In the first sentence of Section 2.001 (page 43, line 4, Engrossed version), after "distributing, selling, or furnishing electricity", insert "(hereinafter "electric utility")".

(4) In the second sentence of Section 2.001 (page 43, line 10, Engrossed version), strike "not otherwise an electric utility" and substitute "not otherwise a public utility".

(5) In Section 2.001(3) (page 43, line 24, Engrossed version), strike "is considered an electric utility" and substitute "is considered a public utility".

(6) In Section 2.102 (page 49, line 2, Engrossed version), strike "supervise electric utilities" and substitute "supervise public utilities".

(7) In Section 2.104(c) (page 49, line 23 and page 50, line 3, Engrossed version), each time it appears, strike "an electric utility's" and substitute "a public utility's".

(8) In Section 2.105(a) (page 50, line 14, Engrossed version), strike "regulating its electric utilities" and substitute "regulating its public utilities".

(9) In the first and second sentences of Section 2.106(a) (page 51, lines 5 and 7, Engrossed version), each time it appears, strike "electric utility" and substitute "public utility".

(10) In the first sentence of Section 2.108(d)(1) (page 54, line 25, Engrossed version), strike "in this Act for electric" and substitute "in this Act for public".

(11) In the first sentence of Section 2.108(d)(1)(B) (page 56, line 6, Engrossed version), strike "rates of electric utilities" and substitute "rates of public utilities".

(12) In the first sentence of Section 2.108(d)(2) (page 56, line 18, Engrossed version), strike "regulate electric utilities" and substitute "regulate public utilities".

(13) In Section 2.151(a) (page 63, lines 6-7, Engrossed version), strike "property of each electric utility and shall require every electric utility" and substitute "property of each public utility and shall require every public utility".

(14) In Section 2.151(b) (page 63, lines 12 and 17, Engrossed version), each time it appears, strike "electric utility" and substitute "public utility".

(15) In the first sentence of Section 2.151(c) (page 63, line 24, Engrossed version), strike "and the electric utilities" and substitute "and the public utilities".

(16) In the second sentence of Section 2.151(c) (page 63, line 25 and page 64, line 1, Engrossed version), strike "retained by an electric utility" and substitute "retained by a public utility".

(17) In Section 2.151(d) (page 64, line 5, Engrossed version), strike "For purposes of this section, 'electric utility'" and substitute "For purposes of this section, 'public utility'".

(18) In Section 2.153 (page 64, line 24, Engrossed version), strike "any rate for electric utility" and substitute "any rate for public utility".

(19) In Section 2.154 (page 65, lines 2, 5, 7, and 9, Engrossed version), each time it appears, strike "electric utility" and substitute "public utility".

(20) In Section 2.155(a) (page 65, lines 11-12, Engrossed version), strike "Every electric utility" and substitute "Every public utility".

(21) In Section 2.155(b)(1) (page 65, line 18, Engrossed version), strike "all electric utilities" and substitute "all public utilities".

(22) In Section 2.155(b)(4) (page 66, line 5, Engrossed version), strike "any electric utility" and substitute "any public utility".

(23) In Section 2.155(c) (page 66, lines 7-8 and 9, Engrossed version), each time it appears, strike "electric utility" and substitute "public utility".

(24) In Section 2.155(d) (page 66, line 12, Engrossed version), strike "by an electric utility" and substitute "by a public utility".

(25) In Section 2.156(a) (page 66, lines 20, 21, and 25 and page 67, line 2, Engrossed version), each time it appears, strike "electric utility" and substitute "public utility".

(26) In Section 2.201 (page 68, lines 5 and 7, Engrossed version), each time it appears, strike "electric utilities" and substitute "public utilities".

(27) In Section 2.202 (page 68, lines 14-15, Engrossed version), strike "by any electric utility or by any two or more electric utilities" and substitute "by any public utility or by any two or more public utilities".

(28) In Section 2.202 (page 68, lines 19-20, Engrossed version), strike "an electric utility as a single class" and substitute "a public utility as a single class".

(29) In Section 2.203(a) (page 68, line 23, Engrossed version), strike "rates of an electric utility" and substitute "rates of a public utility".

(30) In Section 2.204 (page 69, line 14, Engrossed version), strike "shall be on the electric utility" and substitute "shall be on the public utility".

(31) In Section 2.206(a) (page 69, line 22, Engrossed version), strike "electric utility in providing service" and substitute "public utility in providing service".

(32) In Section 2.208(a) (page 70, line 16, Engrossed version), strike "revenues of the electric utility" and substitute "revenues of the public utility".

(33) In the first sentence of Section 2.208(c) (page 71, lines 16 and 18,

Engrossed version), each time it appears, strike "the electric utility" and substitute "the public utility".

(34) In the second sentence of Section 2.208(c) (page 71, lines 24-25, Engrossed version), strike "of which an electric utility" and substitute "of which a public utility".

(35) In the second sentence of Section 2.208(c) (page 72, lines 1-2, Engrossed version), strike "by the electric utility" and substitute "by the public utility".

(36) In Section 2.210(a) (page 75, line 5, Engrossed version), strike "An electric utility" and substitute "A public utility".

(37) In Section 2.211(a) (page 76, lines 17, 22, and 23, Engrossed version), each time it appears, strike "electric utility" and substitute "public utility".

(38) In Section 2.211(b) (page 76, line 25, Engrossed version), strike "Whenever an electric utility" and substitute "Whenever a public utility".

(39) In Section 2.211(b) (page 77, lines 5 and 6, Engrossed version), strike "rates of such electric utility" and substitute "rates of such public utility".

(40) In Section 2.213 (page 83, line 9, Engrossed version), strike "Electric utility rates" and substitute "Public utility rates".

(41) In Section 2.214 (page 83, lines 14 and 18, Engrossed version), each time it appears, strike "An electric utility may not" and substitute "A public utility may not".

(42) In Section 2.215(a) (page 83, lines 22-23, Engrossed version), strike "An electric utility may not" and substitute "A public utility may not".

(43) In Section 2.215(a) (page 84, line 2, Engrossed version), strike "rates of the electric utility" and substitute "rates of the public utility".

(44) In Section 2.215(a) (page 84, line 4, Engrossed version), strike "from an electric utility" and substitute "from a public utility".

(45) In Section 2.216 (page 84, lines 11-12, Engrossed version), strike "An electric utility may not" and substitute "A public utility may not".

(46) In Section 2.216 (page 84, line 14, Engrossed version), strike "competition with the electric utility, nor may any electric utility" and substitute "competition with the public utility, nor may any public utility".

(47) In Section 2.217 (page 84, lines 18 and 22, Engrossed version), each time it appears, strike "by an electric utility" and substitute "by a public utility".

(48) In the second sentence of Section 2.217 (page 84, line 25, Engrossed version), strike "by which the electric utility" and substitute "by which the public utility".

(49) In Section 2.251 (page 85, lines 3 and 6-7, Engrossed version), each time it appears, strike "retail electric utility" and substitute "retail public utility".

(50) In Section 2.252(a) (page 85, line 8, Engrossed version), strike "An electric utility" and substitute "A public utility".

(51) In Section 2.252(b) (page 85, lines 14-15, 16, and 17-18, Engrossed version), each time it appears, strike "retail electric utility" and substitute "retail public utility".

(52) In Section 2.253(a) (page 85, lines 21-22, Engrossed version), strike "An electric utility" and substitute "A public utility".

(53) In Section 2.253(a)(1) (page 86, line 1, Engrossed version), strike "electric utility and" and substitute "public utility and".

(54) In Section 2.253(b) (page 86, line 10, Engrossed version), strike "transmitting electric utility" and substitute "transmitting public utility".

(55) In Section 2.254(a) (page 86, lines 13-14, Engrossed version), strike "An electric utility" and substitute "A public utility".

(56) In Section 2.254(b) (page 86, line 18, Engrossed version), strike "an electric utility" and substitute "a public utility".

(57) In Section 2.254(b) (page 86, line 20, Engrossed version), strike "each electric utility" and substitute "each public utility".

(58) In Section 2.255(c) (page 87, line 23, Engrossed version), strike "any electric utility" and substitute "any public utility".

(59) In Section 2.256(a) (page 89, line 20, Engrossed version), strike "all electric utilities" and substitute "all public utilities".

(60) In Section 2.256(b) (page 90, lines 1-2, Engrossed version), strike "an electric utility shall have" and substitute "a public utility shall have".

(61) In Section 2.256(b) (page 90, lines 7 and 9, Engrossed version), each time it appears, strike "electric utility" and substitute "public utility".

(62) In Section 2.257 (page 91, line 6, Engrossed version), strike "retail electric utilities" and substitute "retail public utilities".

(63) In Section 2.258 (page 91, lines 11-12, Engrossed version), strike "an electric utility desires" and substitute "a public utility desires".

(64) In Section 2.258 (page 91, lines 14, 19, and 22, Engrossed version), each time it appears, strike "electric utility" and substitute "public utility".

(65) In Section 2.261 (page 92, line 25, Engrossed version), strike "an electric utility" and substitute "a public utility".

(66) In Section 2.262 (page 93, lines 5-6, Engrossed version), strike "an electric utility" and substitute "a public utility".

(67) In Section 2.263(1) (page 93, line 14, Engrossed version), strike "an electric utility" and substitute "a public utility".

(68) In Section 2.263(2) (page 93, line 19, Engrossed version), strike "two or more electric utilities" and substitute "two or more public utilities".

(69) In Section 2.264(b) (page 94, line 3, Engrossed version), strike "any electric utility" and substitute "any public utility".

(70) In Section 2.264(b) (page 94, lines 4-5, Engrossed version), strike "one or more electric utilities" and substitute "one or more public utilities".

(71) In Section 3.001(3) (page 95, line 9, Engrossed version), strike "'Telecommunications utility' or 'utility' means" and substitute "'Public utility' or 'utility' means".

(72) In the first sentence of Section 3.001(3) (page 95, line 15, Engrossed version), between "over a telephone system as a dominant carrier" and the period, substitute "(hereinafter 'telecommunications utility')".

(73) In the second sentence of Section 3.001(3) (page 95, line 16, Engrossed version), strike "not otherwise a telecommunications utility" and substitute "not otherwise a public utility".

(74) In the last sentence of Section 3.001(3) (page 96, line 13, Engrossed version), strike "The term 'telecommunications utility'" and substitute "The term 'public utility'".

(75) In the last sentence of Section 3.001(3) (page 96, line 15, Engrossed version), strike "a telecommunications utility" and substitute "a public utility".

(76) In Section 3.001(4) (page 96, line 23, Engrossed version), strike "telecommunications utility service" and substitute "public utility service".

(77) In Section 3.101(a) (page 110, line 25, and page 111, lines 1-2, Engrossed version), each time it appears, strike "telecommunications utility" and substitute "public utility".

(78) In Section 3.151 (page 111, lines 24 and 25, and page 112, lines 5, 10, and 18, Engrossed version), each time it appears, strike "telecommunications utility" and substitute "public utility".

(79) In Section 3.154 (page 113, lines 16 and 21, Engrossed version), each time it appears, strike "Every telecommunications utility" and substitute "Every public utility".

(80) In Section 3.155 (page 114, lines 1, 19, 22, and 24, Engrossed version), each time it appears, strike "telecommunications utility" and substitute "public utility".

(81) In Section 3.201 (page 115, lines 5 and 8, Engrossed version), each time it appears, strike "telecommunications utilities" and substitute "public utilities".

(82) In Section 3.202 (page 115, lines 16 and 21-22, Engrossed version), each time it appears, strike "telecommunications utility" and substitute "public utility".

(83) In Section 3.203(a) (page 116, line 3, Engrossed version), strike "rates of a telecommunications utility" and substitute "rates of a public utility".

(84) In Section 3.204 (page 116, lines 17-18, Engrossed version), strike "shall be on the telecommunications utility" and substitute "shall be on the public utility".

(85) In Section 3.206 (page 117, line 3, Engrossed version), strike "telecommunications utility in providing" and substitute "public utility in providing".

(86) In Section 3.208 (page 117, line 23, and page 118, lines 14, 17, 23, and 25, Engrossed version), each time it appears, strike "telecommunications utility" and substitute "public utility".

(87) In Section 3.209(a) (page 119, lines 21-22, Engrossed version), strike "A telecommunications utility" and substitute "A public utility".

(88) In Section 3.210 (page 121, lines 5, 10, 11, 13, and 19, Engrossed version), each time it appears, strike "telecommunications utility" and substitute "public utility".

(89) In Section 3.214 (page 130, line 22, Engrossed version), strike "Telecommunications utility rates" and substitute "Public utility rates".

(90) In Section 3.215 (page 131, lines 3 and 7, Engrossed version), each time it appears, strike "A telecommunications utility" and substitute "A public utility".

(91) In Section 3.216 (page 131, lines 12, 16-17, and 19, Engrossed version), each time it appears, strike "telecommunications utility" and substitute "public utility".

(92) In Section 3.217 (page 132, lines 1, 3, and 4, Engrossed version), each time it appears, strike "telecommunications utility" and substitute "public utility".

(93) In Section 3.251 (page 132, lines 13-14, 20, 21, and 23, Engrossed

version), each time it appears, strike "telecommunications utility" and substitute "public utility".

(94) In Section 3.252 (page 133, lines 2, 6, and 16, Engrossed version), each time it appears, strike "telecommunications utility" and substitute "public utility".

(95) In Section 3.253 (page 133, lines 19, 23, and 25, Engrossed version), each time it appears, strike "telecommunications utility" and substitute "public utility".

(96) In Section 3.254(c) (page 135, lines 2-3, Engrossed version), strike "any telecommunications utility" and substitute "any public utility".

(97) In Section 3.255(a) (page 135, line 12, Engrossed version), strike "all telecommunications utilities" and substitute "all public utilities".

(98) In Section 3.255(b) (page 135, lines 20 and 25, and page 136, line 2, Engrossed version), each time it appears, strike "telecommunications utility" and substitute "public utility".

(99) In Section 3.256 (page 136, line 9, Engrossed version), strike "between telecommunications utilities" and substitute "between public utilities".

(100) In Section 3.257 (page 136, lines 15, 17-18, 22, and 25, Engrossed version), each time it appears, strike "telecommunications utility" and substitute "public utility".

(101) In Section 3.260 (page 138, line 3, Engrossed version), strike "a telecommunications utility" and substitute "a public utility".

(102) In the heading to Section 3.261 (page 138, lines 8-9, Engrossed version), strike "TELECOMMUNICATIONS UTILITY" and substitute "PUBLIC UTILITY".

(103) In Section 3.261 (page 138, line 9, Engrossed version), strike "a telecommunications utility" and substitute "a public utility".

(104) In Section 3.262(1) (page 138, line 18, Engrossed version), strike "a telecommunications utility" and substitute "a public utility".

(105) In Section 3.263(b) (page 139, line 11, Engrossed version), strike "any telecommunications utility" and substitute "any public utility".

Amendment No. 1 was adopted without objection.

SB 319, as amended, was passed to third reading.

SB 436 ON SECOND READING

(Rangel - House Sponsor)

The speaker laid before the house, on its second reading and passage to third reading,

SB 436, A bill to be entitled An Act relating to the regulation of certain facilities that advertise the provision of special care for residents with Alzheimer's disease and related disorders.

The bill was read second time.

(Berlanga in the chair)

Amendment No. 1

Representative Smithee offered the following amendment to the bill:

Amend **SB 436** as follows:

(1) On page 2, line 21, strike "and".

(2) On page 2, line 22, strike the period and substitute "1".

(3) On page 2, between lines 22 and 23, insert the following:

(10) a statement of the availability of the information described by Subsection (g); and

(11) the toll-free telephone number maintained by the department for acceptance of complaints against the institution.

(4) On page 2, between lines 24 and 25, insert the following:

(f) The institution shall disclose the toll-free telephone number described by Subsection (d)(11) to a person making a complaint to the institution.

(g) The institution shall maintain at the institution copies of any complaint of abuse and neglect made against the institution, including any applicable statement of deficiency and plan of correction and any complaint and plan correction forms required by federal law or regulation. The institution shall make the copies available for public inspection on request.

Amendment No. 1 was adopted without objection.

SB 436, as amended, was passed to third reading. (Chisum and Swinford recorded voting no)

SB 360 ON SECOND READING **(Telford - House Sponsor)**

The chair laid before the house, on its second reading and passage to third reading,

SB 360, A bill to be entitled An Act relating to the continuation and functions of the Texas Commission on the Arts.

The bill was read second time.

Representative Telford moved to postpone consideration of **SB 360** until 10 a.m. Thursday, March 23.

The motion prevailed without objection.

SB 449 ON SECOND READING **(Telford - House Sponsor)**

The chair laid before the house, on its second reading and passage to third reading,

SB 449, A bill to be entitled An Act relating to membership in, contributions to, and administration of local retirement systems for fire fighters.

The bill was read second time.

Representative Telford moved to postpone consideration of **SB 449** until 12:10 p.m. today.

The motion prevailed without objection.

SIGNED BY THE SPEAKER

The chair announced that the speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolution:

HJR 34**SB 290 ON SECOND READING
(Culberson - House Sponsor)**

The chair laid before the house, on its second reading and passage to third reading, the complete committee substitute for **SB 290**.

CSSB 290, A bill to be entitled An Act relating to the delay of the employer trip reduction program.

CSSB 290 was read second time.

Amendment No. 1

Representatives Culberson and Torres offered the following amendment to **CSSB 290**:

Amend **CSSB 290** by inserting "and is in compliance pursuant to Sec. 3(a) of this Act" at the end of SECTION 4 before the period.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Torres offered the following amendment to **CSSB 290**:

Amend **CSSB 290** in Section 2(b) of the bill, strike ", with the consent by resolution of the house of representatives and the senate,".

Amendment No. 2 was adopted without objection.

CSSB 290, as amended, was passed to third reading.

**SB 414 ON SECOND READING
(Walker - House Sponsor)**

The chair laid before the house, on its second reading and passage to third reading, the complete committee substitute for **SB 414**.

CSSB 414, A bill to be entitled An Act relating to the restricted sale of wine for off-premises consumption by the holder of a winery permit in certain dry areas.

(Speaker in the chair)

CSSB 414 was read second time and was passed to third reading. (Finnell and Heflin recorded voting no)

HB 327 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 327**.

CSSB 327, A bill to be entitled An Act relating to the juvenile justice system; providing for the enhancement of penalties; providing criminal penalties for adults and children.

CSHB 327 was read second time.

(Junell in the chair)

(Danburg in the chair)

RECESS

Representative Goodman moved that the house recess until 2 p.m.

The motion prevailed without objection.

The house accordingly, at 12:33 p.m., recessed until 2 p.m.

AFTERNOON SESSION

The house met at 2 p.m. and was called to order by the speaker.

CSHB 327 - (pending business)

Amendment No. 1

On behalf of Representative Corte, Representative Goodman offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

1) On page 5, line 17, after the word "a" delete the word "~~reasonable and~~".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative S. Turner offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

1) On page 6, line 18, strike "[~~or~~]" and substitute "or";

2) On page 6, line 23, strike "Code; or" and substitute "Code.";

3) On page 6, strike lines 24-27.

Representative Goodman moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 3

Representative Holzhauser offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

On page 8, line 9, insert the following after "magistrate" and before "a":
"or a law enforcement officer".

Representative Goodman moved to table Amendment No. 3.

(Craddick in the chair)

(Speaker in the chair)

The motion to table prevailed.

Amendment No. 4

Representative Corte offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

1) On page 15, strike entire Section 51.17 PROCEDURE AND EVIDENCE and substitute the following:

Sec. 51.17. PROCEDURE AND EVIDENCE. Proceedings under this title will be governed by the Code of Criminal Procedures and the Texas Rules of Criminal Evidence.

Representative Goodman moved to table Amendment No. 4.

The motion to table prevailed.

Amendment No. 5

Representative S. Turner offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

Page 22, line 9. Delete colon (:) after "for", and insert possible further nonjudicial proceedings.

Page 22, delete lines 10-13.

Representative Goodman moved to table Amendment No. 5.

The motion to table was withdrawn.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Coleman offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

Amend the bill by adding a new SECTION 22 to read as follows:

SECTION 22. Chapter 54, Family Code, is amended by adding Section 54.011 to read as follows:

Sec. 54.012. INTERACTIVE RECORDING OF DETENTION HEARING. (a) A detention hearing under Section 54.01, other than the first detention hearing, may be held using interactive video equipment if:

(1) the child and the child's attorney agree to the video hearing; and

(2) the parties to the proceeding have the opportunity to cross-examine witnesses.

(b) A detention hearing may not be held using video equipment unless the video equipment for the hearing provides for a two-way communication of image and sound among the child, the court, and other parties at the hearing.

(c) A recording of the communications shall be made. The recording shall be preserved until the earlier of:

(1) the 91st day after the date on which the recording is made if the child is alleged to have engaged in conduct constituting a misdemeanor;

(2) the 120th day after the date on which the recording is made if the child is alleged to have engaged in conduct constituting a felony; or

(3) the date on which the adjudication hearing ends.

(d) An attorney for the child may obtain a copy of the recording on payment of the reasonable costs of reproducing the copy.

Amendment No. 6 was adopted without objection.

Amendment No. 7

On behalf of Representative Brady, Representative Goodman offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

On page 35, line 24, after the word "Subsection", delete (g) and substitute (f).

Amendment No. 7 was adopted without objection.

Amendment No. 8

Representative Thompson offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

(1) Amend Section 7, on page 8, lines 23 through 27, and page 9, lines 1 through to read as follows:

"(E) if the child is 15 years of age or older at the time of the violation of a penal law of the grade of felony the juvenile court may waive its jurisdiction and the child may be tried as an adult;"

(2) Amend Section 22, on page 30, line 9, by striking "14{+5}" and substituting "15",

(3) Amend Section 22, on page 31, line 17, by striking "14{+5}" and substituting "15", and

(4) Amend Section 51, on page 89, line 3, by striking "14{+5}" and substituting "15".

Representative Goodman moved to table Amendment No. 8.

The motion to table prevailed.

Amendment No. 9

Representative Shields offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st printing) as follows:

On page 30, line 4, strike "The" and insert "Except as provided by Subsection (n), the".

On page 33, between lines 5 and 6, insert the following:

(n) The juvenile court shall transfer a child to the appropriate district court or criminal district court for criminal proceedings if:

(1) the child is alleged to have engaged in conduct that is an offense listed by Section 3(g)(a)(i), Article 42.12, Code of Criminal Procedure; and

(2) the child was 14 years of age or older at the time the child is alleged to have committed the offense and no adjudication hearing has been conducted concerning that offense.

Representative Goodman moved to table Amendment No. 9.

A record vote was requested.

The motion to table prevailed by (Record 81): 87 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Alexander; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Carter; Clemons; Coleman; Combs; Conley; Cook; Counts; Cuellar, H.;

Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Hernandez; Hightower; Hill; Hirschi; Hochberg; Hunter, T.; Johnson; Jones, D.; Jones, J.; Junell; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oliveira; Place; Puente; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Sadler; Saunders; Seidlits; Serna; Solis; Staples; Stiles; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; Williamson; Willis; Wolens; Zbranek.

Nays — Allen; Brimer; Carona; Chisum; Corte; Crabb; Craddick; Culbertson; Delisi; Denny; Driver; Duncan; Elkins; Finnell; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Jackson; Janek; Kamel; King; Krusee; Kubiak; Kuempel; Madden; Marchant; Oakley; Ogden; Patterson; Pickett; Pitts; Price; Rabuck; Ramsay; Rusling; Shields; Siebert; Smithee; Solomons; Swinford; Talton; Uher; West; Wohlgemuth; Woolley; Yarbrough; Yost.

Present, not voting — Mr. Speaker(C).

Absent — Alvarado; Park; Romo; Telford; Wilson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 81. I intended to vote no.

Staples

I was shown voting yes on Record No. 81. I intended to vote no.

T. Hunter

I was shown voting yes on Record No. 81. I intended to vote no.

Reyna

REASON FOR VOTE

Automatic certification, while appearing sound in concept, often produces less predictable punishment and less severe sentences for juveniles than the prudent use of determinate sentencing for sentences of up to 40 years - with the majority served in the adult prison system.

Brady

Amendment No. 10

Representative Thompson offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows: on page 35, between lines 25 and 26, insert the following and renumber the subsequent sections accordingly.

(h) On a finding by a justice or municipal court that the child has engaged in truant conduct and that the conduct is of recurrent nature, the court has the jurisdiction to enter an order that includes one or more of the following provisions, in addition to the provisions listed under Subsection (d), requiring that:

(1) the child attend a special program that the court determines to be

in the best interest of the child and that is approved by the county commissioners court;

(2) the child's parents, managing conservator, or guardian attend a parenting class or parental responsibility program, if the court finds the parent, managing conservator, or guardian, by wilful act or omission, contributed to, caused, or encouraged the child's conduct;
or;

(3) the child and the child's parents, managing conservator, or guardian attend the child's school classes or functions, if the court finds the parent, managing conservator, or guardian, by wilful act or omission, contributed to, caused, or encouraged the child's conduct.

(i) The justice or municipal court may order the parents, managing conservator, or guardian of a child required to attend a program under Subsection (d) or (h) to pay an amount not greater than \$100 to pay for the costs of the program.

(j) A justice or municipal court may require a child, parent, managing conservator, or guardian required to attend a program, class, or function under this section to submit proof of attendance to the court.

SECTION 24. Chapter 54, Family Code, is amended by adding Section 54.022 to read as follows:

Sec. 54.022. JUSTICE OR MUNICIPAL COURT; CERTAIN MISDEMEANORS. (a) On a finding by a justice or municipal court that a child committed a misdemeanor offense punishable by fine only other than a traffic offense or public intoxication or committed a violation of a penal ordinance of a political subdivision other than a traffic offense, the court has jurisdiction to enter an order requiring that the child attend a special program that the court determines to be in the best interest of the child and that is approved by the county commissioners court, including a rehabilitation, counseling, self-esteem and leadership, work and job skills training, job interviewing and work preparation, self-improvement, parenting, manners, violence avoidance, tutoring, sensitivity training, parental responsibility, community service, or restitution program.

(b) On a finding by a justice or municipal court that a child committed an offense described by Subsection (a) and that the child has previously been convicted of an offense described by Subsection (a), the court has the jurisdiction to enter an order that includes one or more of the following provisions, in addition to the provisions under Subsection (a), requiring that:

(1) the child attend a special program that the court determines to be in the best interest of the child and that is approved by the county commissioners court;

(2) the child's parents, managing conservator, or guardian attend a parenting class or parental responsibility program, if the court finds the parent, managing conservator, or guardian, by wilful act or omission, contributed to, caused, or encouraged the child's conduct or

(3) the child and the child's parents, managing conservator, or guardian attend the child's school classes or functions, if the court finds the parent, managing conservator, or guardian, by wilful act or omission, contributed to, caused, or encouraged the child's conduct.

(c) The justice or municipal court may order the parents, managing conservator, or guardian of a child required to attend a program under Subsection (a) or (b) to pay an amount not greater than \$100 to pay for the costs of the program.

(d) A justice or municipal court may require a child, parent, managing conservator, or guardian required to attend a program, class, or function under this section to submit proof of attendance to the court.

(e) A justice or municipal court shall endorse on the summons issued to a parent, managing conservator, or a guardian to appear personally at the hearing with the child.

(f) An order under this section involving a child is enforceable by the justice or municipal court by referral to the juvenile court for delinquent conduct for contempt of court.

(g) Any other order under this section is enforceable by the justice or municipal court by contempt.

Amendment No. 10 was adopted without objection.

Amendment No. 11

Representative Dukes offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

(1) On page 12, between lines 24 and 25, insert a new SECTION 9 to read as follows:

SECTION 9. Chapter 51, Family Code, is amended by adding Section 51.101 to read as follows:

Sec. 51.101. QUALIFICATIONS FOR APPOINTED ATTORNEYS. A court may not appoint an attorney to represent a child in a felony case under this title unless the attorney

(1) provides verification from the State Bar of Texas that at the time of appointment the attorney:

(A) is a member in good standing with the State Bar of Texas; and

(B) has completed at least 10 hours of continuing legal education in criminal law, criminal procedure, or juvenile law; and

(2) submits a signed statement that the attorney at the time of appointment:

(A) has practiced criminal law or juvenile law for at least one year; and

(B) has been lead counsel in at least three criminal or juvenile trials, specifying the styles and cause numbers of these cases.

(2) Renumber the subsequent sections of the substitute appropriately.

Amendment No. 11 was adopted without objection.

Amendment No. 12

Representative De La Garza offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st printing), on page 39, line 27, between "States" and the semicolon, by inserting "or the Texas Constitution".

Amendment No. 12 was adopted without objection.

Amendment No. 13

Representative Dutton offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st Printing) as follows:

(1) On page 36, line 12, strike "(p)" and substitute "(q)".

(2) On page 40, between lines 14 and 15, insert:

(q) A parent may request a court to require as a term of probation that the child regularly attend a religious education class. In determining the nature of the class, the court shall consider the religious background of the child and the preferences of the child and the child's parent, guardian, managing conservator, or other custodian with primary responsibility for the care of the child.

(Woolley in the chair)

Amendment No. 13 was withdrawn.

Amendment No. 14

Representative De La Garza offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st printing) as follows:

(1) On page 56, line 25, after the semicolon, insert "and".

(2) On page 57, line 3, strike "; and" and substitute a period.

(3) On page 57, strike lines 4-6.

Amendment No. 14 was adopted without objection.

Amendment No. 15

Representative De La Garza offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st printing) as follows:

(1) On page 57, line 14, strike "23" and substitute "21".

(2) On page 60, line 1, strike "seven" and substitute "five".

Amendment No. 15 was adopted without objection.

Amendment No. 16

Representative De La Garza offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st printing) as follows:

(1) On page 56, line 14, after "jail", insert "and the child is referred to juvenile court".

(2) On page 61, strike lines 8-11 and substitute:

to a child after the child has been referred to juvenile court.

(3) On page 61, strike line 21 and substitute:

for information relating to the conduct for which a child who has been referred to juvenile court has been

(4) On page 62, strike lines 23-24 and substitute:

"justice system accurate information relating to children who have been referred to juvenile court."

- (5) On page 62, strike line 27, and on page 63, strike line 1 and substitute: "relating to children who have been referred to juvenile court.".
- (6) On page 63, between lines 11 and 12, insert: "who has been referred to juvenile court".
- (7) On page 63, line 26, strike "taken".
- (8) On page 63, line 27, strike "into custody, detained, or".
- (9) On page 64, line 16, strike "taken into custody, detained, or".
- (10) On page 67, lines 25, strike "custody, detention, or".
- (11) On page 68, line 13, strike "initially taken into custody, detained, or".
- (12) On page 69, lines 7-8, strike "custody, detention, or".

Amendment No. 16 was adopted without objection.

Amendment No. 17

Representative De La Garza offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st Printing) on page 67 by striking lines 13-15.

(Speaker in the chair)

Amendment No. 17 was adopted without objection.

MESSAGE FROM THE SENATE

Austin, Texas, March 22, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SCR 16 by Shapiro, et al., requesting the Supreme Court of Texas to promulgate rules for the State Bar of Texas to institute in its continuing education curriculum a program on sexual abuse issues.

SCR 100 by Ratliff, paying tribute to the life of Louis Booth Williams.

SB 97 by Moncrief, relating to controlled killing of, attempting to injure, certain uses of, and possession of certain dangerous wild animals; providing a criminal penalty.

SB 417 by Armbrister, relating to a limitation of liability of a licensed installer or servicer of a liquefied petroleum gas system in a motor vehicle.

SB 821 by Madla, relating to the imposition by certain counties of a sales and use tax dedicated to operating a landfill and a criminal detention center.

SB 1129 by West, Royce, relating to the designation of a portion of certain highways in Dallas County as the S. M. Wright Freeway.

SB 42 by Shapiro, et al., relating to access to criminal history record information by certain organizations providing volunteer services.

SB 48 by Shapiro, et al., relating to a crime victim's right to appear in person before a parole panel of the Board of Pardons and Paroles.

SB 219 by Armbrister, relating to community assistance and economic development program activities of certain river authorities; validating certain actions and instruments of the river authorities.

SB 279 by Brown, et al., relating to the identification of inmates of the Texas Department of Criminal Justice and other convicted persons as illegal criminal aliens.

SB 281 by Brown, et al., relating to the punishment for the offense of evading arrest or detention and certain civil consequences of using a vehicle to evade arrest or detention.

SB 697 by Luna, Gregory, relating to the punishment for the operation of certain overweight vehicles.

SB 720 by Henderson, relating to the offense of barratry.

SB 733 by Brown, relating to regulating the taking, purchase, and sale of certain fish.

Respectfully,
Betty King
Secretary of the Senate

CSHB 327-(consideration continued)

Amendment No. 18

Representative De La Garza offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st printing) on page 68, line 23, by inserting, after the period: "A clerk of the court who violates this subsection commits an offense. An offense under this subsection is a Class A misdemeanor.".

Amendment No. 18 was adopted without objection.

Amendment No. 19

Representative Conley offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st Printing) as follows:

On page 22, lines 6 and 7, strike "if the reason for not filing the petition is lack of probable cause" and substitute "if there is a finding that no probable cause exists".

Amendment No. 19 was adopted without objection.

Amendment No. 20

Representative Coleman offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

(1) In SECTION 26 of the bill, p. 41, line 10, replace Subsection (c) with the following:

(c) In addition to or in lieu of restitution, a juvenile [If the child or parent is unable to make full or partial restitution or if a restitution order is not appropriate under the circumstances, the] court may order a [the] child found to have engaged in delinquent conduct to render personal services to a charitable or educational institution in the manner prescribed in the court order [in lieu of restitution]. The court may also order under this subsection that the child's parent perform community service with the child.

(2) In SECTION 26 of the bill, p. 41, line 19, replace Subsection (e) with the following:

(e) A city, town, or county that establishes a program to assist children and their parents in rendering personal services to a charitable or educational institution as authorized by Subsection (c) [~~this subsection~~] may purchase insurance policies protecting the city, town, or county against claims brought by a person other than the child or the child's parent for a cause of action that arises from an act of the child or parent while rendering those services. The city, town, or county is not liable under this Act to the extent that damages are recoverable under a contract of insurance or under a plan of self-insurance authorized by statute. The liability of the city, town, or county for a cause of action that arises from an action of the child or the child's parent while rendering those services may not exceed \$100,000 to a single person and \$300,000 for a single occurrence in the case of personal injury or death, and \$10,000 for a single occurrence of property damage. Liability may not extend to punitive or exemplary damages. This subsection does not waive a defense, immunity, or jurisdictional bar available to the city, town, or county or its officers or employees, nor shall this Act be construed to waive, repeal, or modify any provision of Chapter 101, Civil Practice and Remedies Code [~~the Texas Tort Claims Act, as amended (Article 6252-19, Vernon's Texas Civil Statutes)~~].

Amendment No. 20 was adopted without objection.

Amendment No. 21

Representative Chisum offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

1) On page 42 between lines 23 and 24, add a new section (i) as follows:

On a finding by the court that a child's parents or guardians have made a reasonable good faith effort to prevent the child from engaging in delinquent conduct or engaging in conduct indicating a need for supervision and that despite the parent's or guardian's efforts, the child continues to engage in such conduct, the court shall wave any requirement for restitution that may be imposed on a parent under this section.

Amendment No. 21 was adopted without objection.

Amendment No. 22

Representative S. Turner offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

Page 44, lines 1-16, Delete SECTION 28 and renumber subsequent sections.

Representative Goodman moved to table Amendment No. 22.

The motion to table prevailed.

Amendment No. 23

Representative Dutton offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st Printing) as follows:

(1) On page 36, line 12, strike "(p)" and substitute "(q)".

(2) On page 40, between lines 14 and 15, insert:

(q) On the request of a parent and at the parent's expense, a court may require that the child regularly attend a religious education class. The requirement may not be a condition of the child's probation. In determining the nature of the class, the court shall consider the religious background of the child and the preferences of the child and the child's parent, guardian, managing conservator, or other custodian with primary responsibility for the care of the child.

Amendment No. 24

Representative Danburg offered the following amendment to Amendment No. 23:

Amend the Dutton amendment to read as follows:

Amend **CSHB 327** as follows:

(1) On page 36, line 12, strike "(p)" and substitute "(q)".

(2) On page 40, between lines 14 and 15, insert:

(q) On the request of a parent and at the parent's expense, a court may require that the child regularly attend a religious education class. The requirement may not be a condition of the child's probation. In determining the nature of the class, the court shall require such attendance only in alignment with the religion of the child.

Representative Dutton moved to table Amendment No. 24.

The motion to table prevailed. (Danburg and Maxey recorded voting no)

A record vote was requested.

Amendment No. 23 was adopted by (Record 82): 132 Yeas, 13 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Edwards; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Maxey; McCall; McCoulskey; Moffat; Mowery; Munoz; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Alonzo; Coleman; Dukes; Ehrhardt; Gray; Greenberg; Hightower; Junell; Luna; McDonald; Naishtat; Rhodes; Uher.

Present, not voting — Mr. Speaker(C); Moreno.

Absent — Alvarado; Berlanga; Johnson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 82. I intended to vote no.

Danburg

I was shown voting yes on Record No. 82. I intended to vote no.

Maxey

I was shown voting no on Record No. 82. I intended to vote yes.

Junell

Amendment No. 25

Representative Naishtat offered the following amendment to **CSHB 327**:

Amend **CSHB 327** by replacing bill Section 34 on Sec. 55.02 of the Family Code and Section 35 on Sec. 55.03 of the Family Code with the following and renumbering all remaining bill sections.

SECTION 34. The heading of Chapter 55, Family Code, is amended to read as follows:

CHAPTER 55. PROCEEDINGS CONCERNING CHILDREN WITH MENTAL ILLNESS; OR MENTAL RETARDATION, DISEASE, OR DEFECT

SECTION 35. Section 55.01, Family Code, is amended to read as follows:

(a) At any stage of the proceedings under this title, the juvenile court may cause order a the child alleged by petition or found to have engaged in delinquent conduct or conduct indicating a need for supervision to be examined by appropriate experts, including a physician, psychiatrist, or psychologist.

(b) If an examination ordered under Subsection (a) of this section is to determine whether the child is mentally retarded, the examination must consist of a comprehensive diagnosis and evaluation as defined in Subtitle D, Title 7 determination of mental retardation and interdisciplinary team recommendation, as provided by Chapter 593, Health and Safety Code, and shall be conducted at a facility approved or operated by the Texas Department of Mental Health and Mental Retardation or at a community center established in accordance with Chapter 534, Health and Safety Code.

SECTION 36. Section 55.02, Family Code, is amended to read as follows:

Sec. 55.02, ~~Mentally Ill Child with Mental Illness.~~

a) ~~If it appears to the juvenile court, on suggestion of a party or on the court's own notice, that a child alleged by petition or found to have engaged in delinquent conduct or conduct indicating a need for supervision may be mentally ill, t~~The court shall initiate proceedings to order temporary hospitalization or extended mental health services of the a child for observation and treatment: alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision, as provided in Chapter 574 Subchapter C, Health and Safety Code if:

(1) on motion by a party or the court it is alleged that the child is mentally ill; or

(2) a child is found or alleged to be unfit to proceed as a result of mental illness under Section 55.04 of this chapter or is found not responsible for his conduct as a result of mental illness under Section 55.05 of this chapter.

(b) Subtitle C, Title 7, Health and Safety Code, governs proceedings for ~~temporary hospitalization~~ court-ordered mental health services except that the juvenile court shall conduct the proceedings whether or not the juvenile court is also a county court.

(c) If the juvenile court ~~enters an order of temporary hospitalization of mental health services for~~ the child, the child shall be cared for, treated, and released in conformity to Subtitle C, Title 7, Health and Safety Code, except:

(1) a juvenile court order ~~of temporary hospitalization for mental health services~~ of a child automatically expires when the child becomes 18 years of age;

(2) the ~~head~~ administrator of a mental ~~hospital~~ health facility shall notify, in writing, the juvenile court that ordered ~~temporary hospitalization~~ mental health services of the intent to discharge the child at least 10 days prior to discharge, ~~of the child; and~~

~~(3) appeal from juvenile court proceedings under this section shall be to the court of civil appeals as in other proceedings under this title.~~

(d) If the juvenile court orders ~~temporary hospitalization~~ mental health services ~~of for a~~ the child, the proceedings under this title then pending in juvenile court shall be stayed.

(e) If the child is discharged from the mental ~~hospital~~ health facility before reaching 18 years of age, the juvenile court may:

(1) dismiss the juvenile court proceedings with prejudice; or

(2) continue with proceedings under this title as though no order of ~~temporary hospitalization~~ mental health services had been made.

SECTION 37. Section 55.03, Family Code, is amended to read as follows:
Sec. 55.03. ~~Mentally Retarded Child with Mental Retardation.~~

(a) If it appears to the juvenile court, ~~on the suggestion of a party or on the court's own notice, that a child alleged or is found or alleged to have engaged in delinquent conduct or conduct indicating a need for supervision be~~ unfit to proceed as a result of mental retardation under Section 55.04 of this chapter or is found not responsible for his conduct as a result of mental retardation under Section 55.05 of this chapter, may be mentally retarded; the court shall order a ~~comprehensive diagnosis and evaluation~~ determination of mental retardation and interdisciplinary team recommendation of the child, ~~as provided by Chapter 593, Health and Safety Code,~~ to be performed at a facility approved or operated by the Texas Department of Mental Health and Mental Retardation or at a community center established in accordance with Chapter 534, Health and Safety Code. If the court finds that the results of such ~~comprehensive diagnosis and evaluation~~ determination of mental retardation indicate a significantly subaverage general intellectual function of 2.5 or more standard deviations below the age-group mean for the tests used existing concurrently with significantly related deficits in adaptive behavior, ~~of Levels I-IV;~~ the court shall initiate proceedings to order commitment of the child to

a residential care facility, for the care and treatment of mentally retarded persons as defined in Chapter 591, Health and Safety Code.

(b) A child alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision may be committed to a residential care facility if:

(1) the child is found unfit to proceed as a result of mental retardation under Section 55.04 of this chapter or is found not responsible for his conduct as a result of mental retardation under Section 55.05 of this chapter; and

(2) the child meets the criteria for commitment as provided in Chapter 593, Subchapter C, Health and Safety Code.

~~(bc)~~ Subtitle D, Title 7, Health and Safety Code, governs proceedings for commitment of a child ~~meeting the criteria set forth in Subsection (a) of~~ under this section except that:

(1) the juvenile court shall conduct the proceedings whether or not the juvenile court is also a county court; and

(2) on receipt of the court's order entering the findings ~~set forth in Subsection (a) of this section, together with those findings set forth in~~ required by Subtitle D, Title 7, Health and Safety Code, ~~as prerequisites for court commitments and subsection (b)(1) of this section,~~ the Texas Department of Mental Health and Mental Retardation or the appropriate community center shall ~~thereupon~~ admit the child to a residential care facility ~~for the mentally retarded.~~

~~(ed)~~ If the juvenile court enters an order committing the child ~~for care and treatment in to~~ a residential care facility ~~for mentally retarded persons,~~ the child shall be cared for, treated, and released in conformity to Subtitle D, Title 7, Health and Safety Code, except: that the administrator of the residential care facility shall notify, in writing.

~~(f)~~ the juvenile court that ordered commitment of the child ~~shall be notified at least 10 days prior of the intent to discharge of the child from the residential care facility or to furlough the child to an alternative placement at least 20 days prior to discharge or furlough, and~~

~~(2) appeal from juvenile court proceedings under this section shall be to the court of civil appeals as in other proceedings under this title.~~

~~(de)~~ If the juvenile court orders commitment of a child to a residential care facility ~~for the care and treatment of mentally retarded persons,~~ the proceedings under this title then pending in juvenile court shall be stayed.

~~(ef)~~ If the child committed to a residential care facility is discharged or furloughed from the residential care facility ~~for the care and treatment of mentally retarded persons as provided by subsection (d) of this section and in accordance with Subtitle D, Title 7, Health and Safety Code,~~ before reaching 18 years of age, the juvenile court may:

(1) dismiss the juvenile court proceedings with prejudice; or

(2) continue with proceedings under this title as though no order of commitment had been made.

SECTION 38. SECTION 55.04, Family Code, is amended to read as follows:

Sec. 55.04. ~~Mental Disease or Defect Excluding Fitness~~ Unfitness to Proceed

(a) ~~No~~ A child alleged by petition or found to have engaged in delinquent

conduct or conduct indicating a need for supervision who as a result of mental ~~disease or defect~~ illness or mental retardation lacks capacity to understand the proceedings in juvenile court or to assist in his own defense is unfit to proceed and shall not be subjected to discretionary transfer to criminal court, adjudication, disposition, or modification of disposition as long as such incapacity endures.

(b) If on motion by a party or the court it appears to the juvenile court, on suggestion of a party or on the court's own notice, is alleged that a child ~~alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision~~ may be unfit to proceed as a result of mental illness or mental retardation, the court shall order appropriate examination(s) as provided by Section 55.01 of this chapter. ~~medical and or psychiatric inquiry to assist in determining.~~ The information obtained from the examination(s) must include expert opinion as to whether the child is unfit to proceed because as a result of mental disease or defect illness or mental retardation.

(c) The court or jury shall determine ~~from the psychiatric and other evidence whether the child is unfit to proceed as a result of mental illness or mental retardation~~ at a hearing separate from ~~but conducted in accordance with the requirements for,~~ the adjudication hearing ~~whether the child is fit or unfit to proceed.~~

(d) Unfitness to proceed as a result of mental illness or mental retardation must be proved by a preponderance of the evidence.

(e) If the court or jury determines that the child is fit to proceed, the juvenile court shall continue with proceedings under this title as though no question of fitness to proceed had been raised.

(f) If the court or jury determines that the child is unfit to proceed as a result of mental illness or mental retardation, the court ~~or jury~~ shall determine whether the child should be committed for a period of temporary hospitalization for observation and treatment in accordance with initiate proceedings under Section 55.02 of this code or committed to a facility for mentally retarded persons for care and treatment in accordance with or Section 55.03 of this code chapter.

(g) A P proceedings to determine fitness to proceed may be joined with proceedings under Sections 55.02 and 55.03 of this ~~code chapter.~~

(h) The fact that the child is unfit to proceed as a result of mental illness or mental retardation does not preclude any legal objection to the juvenile court proceedings which is susceptible of fair determination prior to the adjudication hearing and without the personal participation of the child.

SECTION 39. Section 55.05, Family Code, is amended to read as follows:

Sec. 55.05. Mental Disease or Defect Excluding Responsibility Lack of Responsibility for Conduct.

(a) A child is ~~not responsible for alleged by petition~~ to have engaged delinquent conduct or conduct indicating a need for supervision is not responsible for such conduct, if at the time of such conduct, as a result of mental ~~disease or defect~~ illness or mental retardation, he ~~lacks~~ lacked substantial capacity either to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law.

(b) If ~~it appears to the juvenile court,~~ on suggestion motion of a party or

~~on the court's own notice, that a child it is alleged to have engaged in delinquent conduct or conduct indicating a need for supervision that the child may not be responsible as a result of mental disease or defect illness or mental retardation for his conduct, the court shall order appropriate examination(s) as provided by Section 55.01 of this chapter. medical and psychiatric, inquiry to assist in determining~~ The information obtained from the examination(s) must include expert opinion as to whether the child is ~~or is~~ not responsible for his conduct as a result of mental illness or mental retardation.

(c) the issue of whether the child is not responsible for his conduct as a result of mental ~~disease or defect illness or mental retardation~~ shall be tried to the court or jury in the adjudication hearing.

(d) ~~Mental disease or defect excluding~~ Lack of responsibility for conduct as a result of mental illness or mental retardation must be proved by a preponderance of the evidence.

(e) In its findings or verdict the court or jury must state whether the child is not responsible for his conduct as result of mental ~~disease or defect illness or mental retardation~~.

(f) If the court or jury finds the child is not responsible for his conduct as a result of mental illness or mental retardation, the ~~proceedings shall continue as though no question of mental disease or defect excluding responsibility had been raised~~ court shall initiate proceedings under Section 55.02 or 55.03 of this chapter.

(g) ~~If the court or jury finds that the~~ A child is found not responsible for his conduct as a result of mental illness or mental retardation ~~disease or defect, the court shall dismiss the proceedings with prejudice, and the court shall initiate~~ not thereafter be subject to proceedings under this title with respect to such conduct, other than proceedings under Section 55.02 or 55.03 of this ~~code~~ to determine whether the child should be committed for care and treatment as a mentally ill or mentally retarded child chapter.

(h) ~~A child declared not responsible for his conduct because of mental disease or defect shall not thereafter be subject to proceedings under this title with respect to such conduct, other than proceedings under Section 55.02 or 55.03 of this code.~~

Amendment No. 25 was adopted without objection.

Amendment No. 26

Representative Dukes offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

(1) Amend Section 36, on page 52, by striking lines 9 through 12.

Representative Goodman moved to table Amendment No. 26.

The motion to table prevailed.

Amendment No. 27

Representative Brimer offered the following amendment to **CSHB 327**:

Amend **CSHB 327** Page 56, Line 7 by adding "Notwithstanding Section 58.0035,"

Amend **CSHB 327** Page 60, Line 4 by inserting a new section as follows:
"Section 58.0035. COMPILATION OF INFORMATION PERTAINING TO A CRIMINAL COMBINATION. A local criminal justice agency may compile criminal information into a local system for the purpose of investigating or prosecuting the criminal activities of criminal combinations. Criminal information relating to a child associated with a combination, utilizing the meaning assigned by Section 71.01 of the Texas Penal Code, may be compiled and released to other local, state or federal criminal justice agencies and any court having jurisdiction over a child, regardless of the age of the child. The information may be compiled on paper, by photographs, by computer or in any other useful manner."

Representative Goodman moved to table Amendment No. 27.

The motion to table was lost.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Stiles moved to suspend all necessary rules to allow the Committee on Calendars to meet while the house is in session.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 6 p.m. today, speakers committee room, to consider the calendar.

CSHB 327 - (consideration continued)

A record vote was requested.

Amendment No. 27 was adopted by (Record 83): 79 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Black; Brimer; Carona; Carter; Chisum; Clemons; Cook; Corte; Crabb; Craddick; Culberson; Danburg; Dear; Delisi; Denny; Driver; Duncan; Elkins; Finnell; Glaze; Goolsby; Greenberg; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Junell; Kamel; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; Marchant; McCoulskey; Moffat; Munoz; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Rabuck; Ramsay; Raymond; Reyna; Rusling; Shields; Siebert; Smithee; Staples; Stiles; Talton; Telford; Walker; West; Wohlgemuth; Wolens; Yarbrough; Yost; Zbranek.

Nays — Alonzo; Bailey; Berlanga; Bosse; Brady; Coleman; Combs; Conley; Counts; Cuellar, H.; Cuellar, R.; Davila; Davis; De La Garza; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Gallego; Giddings; Goodman; Gray; Grusendorf; Gutierrez; Hernandez; Hightower; Hirschi; Hochberg; Hudson; Jones, D.; Jones, J.; King; Lewis, G.; Longoria; Luna; Maxey; McCall; McDonald; Moreno; Mowery; Naishtat; Place; Price; Puente; Rangel; Rhodes; Romo; Sadler; Saunders; Seidlits; Serna; Solis; Solomons; Swinford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Williamson; Willis; Wilson; Woolley.

Present, not voting — Mr. Speaker(C).

Absent — Alvarado; Johnson; Rodriguez.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 83. I intended to vote no.

Janek

When Record No. 83 was taken, I was temporarily out of the house chamber. I would have voted no.

Rodriguez

Amendment No. 28

Representative S. Turner offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st printing) as follows:

On page 57, line 24, after the period, add the following:

"If the child is referred to the juvenile court for conduct constituting any offense and at the adjudication hearing the child is found to be not guilty of each offense alleged, the court shall immediately order the sealing of all files and records relating to the case."

Amendment No. 28 was adopted without objection.

Amendment No. 29

Representative Conley offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st printing), on page 60 between lines 23 and 24, insert the following:

Sec. 58.005. DESTRUCTION OF CERTAIN RECORDS. The court shall order the destruction of the records relating to the conduct for which a child is taken into custody, including records contained in the juvenile justice information system, if it is determined under Section 53.01 that there is no probable cause to believe the child engaged in the conduct.

Amendment No. 29 was adopted without objection.

Amendment No. 30

Representative Allen offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st printing) as follows:

(1) On page 65, strike lines 18 and 19 and substitute the following:

"(f) In addition to information in the juvenile justice information system, the department shall maintain information relating to a warrant of arrest, as".

(2) On page 66, line 21, strike "(a)".

(3) On page 66, strike lines 25 and 26.

Amendment No. 30 was adopted without objection.

Amendment No. 31

Representative Van de Putte offered the following amendment to **CSHB 327**:

Amend **CSHB 327**:

In SECTION 40, page 66, line 16, following the word "Council" insert , the Texas Youth Commission, and the Texas Juvenile Probation Commission."

Amendment No. 31 was adopted without objection.

Amendment No. 32

Representative Hochberg offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st Printing) as follows:

(1) On page 68, at the end of line 15, insert "The procedures shall provide, to the extent possible, that juvenile offender processing data shall be reported electronically."

(2) On page 69, between lines 10 and 11, insert the following:

(f) Subject to available telecommunications capacity, the department shall develop the capability to receive by electronic means the information required under this section to be reported to the department. The information must be in a form that is compatible to the form required of data to be reported under this section.

Amendment No. 32 was adopted without objection.

Amendment No. 33

Representative Dutton offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st printing), on page 69, between lines 16 and 17, insert the following:

Sec. 58.112. REPORT TO LEGISLATURE. Not later than January 15 of each year, the Criminal Justice Policy Council shall submit to the lieutenant governor, the speaker of the house of representatives, and the governor a report that contains the following statistical information relating to children referred to a juvenile court during the preceding year:

(1) the ages, races, and counties of residence of the children transferred to a district court or criminal district court for criminal proceedings; and

(2) the ages, races, and counties of residence of the children committed to the Texas Youth Commission, placed on probation, or discharged without any disposition.

Amendment No. 33 was adopted without objection.

Amendment No. 34

Representative Goodman offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

On page 70, delete lines 10-12.

Amendment No. 34 was adopted without objection.

Amendment No. 35

Representative Van de Putte offered the following amendment to **CSHB 327**:

Amend **CSHB 327**:

In SECTION 41, page 70, line 21, delete "Except as provided by" and insert "Subject to".

Amendment No. 35 was adopted without objection.

Amendment No. 36

Representative Chisum offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

1) On page 71, between lines 16 and 17, add a new section (8) to read as follows:

(8) For a child's refusal to comply with the restrictions and standards of behavior established by the parent or guardian and the court, a parent or guardian may notify the court of the child's refusal to comply, and the court may place the child at the next level of sanction. Notification of the court by the parent or guardian of the child's refusal satisfies the requirement on the parent to made a reasonable good faith effort to prevent the child from engaging in delinquent conduct or engaging in conduct indicating a need for supervision.

Amendment No. 36 was adopted without objection.

Amendment No. 37

Representative Van de Putte offered the following amendment to **CSHB 327**:

Amend **CSHB 327**:

In SECTION 41, page 71, line 17, delete "Except as provided by" and insert "Subject to".

Amendment No. 37 was adopted without objection.

Amendment No. 38

Representative Van de Putte offered the following amendment to **CSHB 327**:

Amend **CSHB 327**:

In SECTION 41, page 71, line 25, delete "Except as provided by" and insert "Subject to".

Amendment No. 38 was adopted without objection.

Amendment No. 39

Representative Van de Putte offered the following amendment to **CSHB 327**:

Amend **CSHB 327**

In SECTION 41, page 72, lines 4-8, delete subsection (d) and insert the following:

"(d) A juvenile court or probation department that deviates from the guidelines under this section shall state in writing its reasons for the deviation and submit the statement to the juvenile board. Nothing in this chapter prohibits the imposition of appropriate sanctions which are different from those provided at any sanction level."

Amendment No. 39 was adopted without objection.

Amendment No. 40

Representative Chisum offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

1) On page 72, line 24, strike "responsibility" and insert "rights and responsibilities"

Amendment No. 40 was adopted without objection.

Amendment No. 41

Representative Chisum offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

1) On page 80 between lines 14 and 15 insert the following new section 59.016 to read as follows:

WAIVER OF SANCTIONS ON PARENTS

On a finding by the juvenile court or probation department that a child's parents or guardians have made a reasonable good faith effort to prevent the child from engaging in delinquent conduct or engaging in conduct indicating a need for supervision and that despite the parent's or guardian's efforts, the child continues to engage in such conduct, the court or probation department shall wave any sanction that may be imposed on the parent or guardians at any sanction level.

Amendment No. 41 was adopted without objection.

Amendment No. 42

Representative Brady offered the following amendment to **CSHB 327**:

Amend **CSHB 327**

In SECTION 45, page 83, line 11, delete "58.005" and insert "58.004."

Amendment No. 42 was adopted without objection.

Amendment No. 43

Representative S. Turner offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st printing) as follows:

On page 83, strike Section 46 of the bill (lines 13-23). Renumber subsequent sections appropriately.

Representative Goodman moved to table Amendment No. 43.

The motion to table prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Hawley on motion of Stiles.

CSHB 327 - (consideration continued)**Amendment No. 44**

Representative S. Turner offered the following amendment to **CSHB 327**:

Amend **CSHB 327** (1st Printing), on page 84, by striking line 4 and substituting the following:

"becomes 17 years and six months of age but before the child becomes 21 years of".

Representative Goodman moved to table Amendment No. 44.

The motion to table prevailed.

Amendment No. 45

Representative Coleman offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

Amend SECTION 50 of the bill, p. 88, line 27, by adding Subsection (e) to read as follows:

(e) The commission shall develop for voluntary use by juvenile probation departments a standard assessment tool for the initial assessment of children under the jurisdiction of probation departments. The commission shall give priority to training in the use of this tool in any preservice or in-service training that the commission provides for probation officers. The assessment tool shall:

(1) facilitate assessment of a child's mental health, family background, and level of education; and

(2) assist juvenile probation departments in determining when a child in the department's jurisdiction is in need of comprehensive psychological or other evaluation.

Amendment No. 45 was adopted without objection.

Amendment No. 46

Representative Coleman offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

(1) Amend the bill by inserting a new SECTION 50 to read as follows:
SECTION 50. Subchapter G, Chapter 61, Human Resources Code, is amended by adding Section 61.0911 to read as follows:

Sec. 61.0911. COORDINATED STRATEGIC PLAN. The Texas Youth Commission shall biennially develop with the Texas Juvenile Probation Commission a coordinated strategic plan as required by Section 141.0471.

(2) Amend the bill by adding a new SECTION 51 to read as follows:
SECTION 51. Subchapter C, Chapter 141, Human Resources Code, is amended by adding Section 141.0471 to read as follows:

Sec. 141.0471. COORDINATED STRATEGIC PLAN FOR JUVENILE JUSTICE SYSTEM. (a) The Texas Juvenile Probation Commission and the Texas Youth Commission shall biennially develop a coordinated strategic plan which shall guide, but not substitute for, the strategic plans developed individually by the agencies.

(b) The plan shall:

- (1) identify short-term and long-term policy goals;
 - (2) identify time frames and strategies for meeting the goals identified under Subsection (b)(1);
 - (3) estimate population projections, including projections of population characteristics;
 - (4) estimate short-term and long-term capacity, programmatic, and funding needs;
 - (5) describe intensive service and surveillance parole pilot programs to be jointly developed;
 - (6) include an evaluation of aftercare services emphasizing concrete outcome measures, including recidivism and educational progress;
 - (7) identify objective criteria for the various decision points throughout the continuum of juvenile justice services and sanctions to guard against disparate treatment of minority youth, and;
 - (8) identify cross-agency outcome measures by which to evaluate the effectiveness of the system generally.
- (c) Each agency shall by rule adopt the coordinated strategic plan on or before December 1st of each odd-numbered year, or before the adoption of the agencies' individual strategic plans, whichever is earlier.

Amendment No. 46 was adopted without objection.

Amendment No. 47

Representative Chisum offered the following amendment to **CSHB 327**:

Amend **CSHB 327** by creating a new Section 51 of the bill as follows and renumbering all following sections appropriately:

SECTION 51. Subchapter A, Chapter 152, Human Resources Code, is amended by adding Section 152.0011 to read as follows:

Sec. 152.0011, BUDGET. The juvenile board shall prepare a budget for the juvenile probation department and the other facilities and programs under the jurisdiction of the juvenile board. The commissioners court shall review and consider the budget for final approval in the same manner as prescribed by law for other county agencies and departments.

Amendment No. 47 was adopted without objection.

Amendment No. 48

Representative Combs offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

On page 95, line 18, strike "contract" and substitute "written statement"

Amendment No. 48 was adopted without objection.

Amendment No. 49

Representative Coleman offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

Amend the bill by adding a new, appropriately numbered section to read as follows:

SECTION . Section 152.0007, Human Resources Code, is amended to read as follows:

Sec. 152.0007. DUTIES. (a) The juvenile board shall:

(1) establish a juvenile probation department and employ personnel to conduct probation services, including a chief probation officer and, if more than one officer is necessary, assistant officers, who meet the standards set by the Texas Juvenile Probation Commission; and

(2) operate or supervise juvenile services in the county and make recommendations as to the need for and purchase of services.

(b) The board may establish guidelines for the initial assessment of a child by the juvenile probation department. The guidelines shall provide a means for assessing a child's mental health status, family background, and level of education. The guidelines shall assist the probation department in determining whether a comprehensive psychological evaluation of the child should be conducted. The board shall require that probation department personnel use assessment information compiled by the child's school, if the information is available, before conducting a comprehensive psychological evaluation of the child. The board may adopt all or part of the Texas Juvenile Probation Commission's minimum standards for assessment under Section 141.042 in complying with this subsection.

Amendment No. 49 was adopted without objection.

Amendment No. 50

Representative Coleman offered the following amendment to **CSHB 327**:

Amend **CSHB 327** as follows:

Amend the bill by inserting a new, appropriately numbered SECTION to read as follows;

SECTION . The Texas Juvenile Probation Commission, in collaboration with the Texas Department of Mental Health and Mental Retardation, shall develop a model protocol by which juvenile probation departments shall refer children with mental impairments to local community management teams of the Children's Mental Health Plan. The protocol is to distribute to all juvenile boards, chief probation officers and community management teams no later than September 1, 1995.

Amendment No. 50 was adopted without objection.

Amendment No. 51

Representative Allen offered the following amendment to **CSHB 327**:

Amend **CSHB 327** by adding the following new SECTIONS to the bill, appropriately numbered, and renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Chapter 61, Human Resources Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. INDUSTRIES OFFICE

Sec. 61.121. INDUSTRIES OFFICE; PURPOSE. (a) The industries office is established in the commission.

(b) The purpose of the industries office is to establish an industries program:

(1) to provide adequate employment and vocational training for children; and

(2) to develop and expand public and private commission industries.

Sec. 61.122. POWERS AND DUTIES OF EXECUTIVE DIRECTOR. (a) The industries office is under the direction of the executive director.

(b) The executive director may establish and operate a commission industries program at any commission facility.

(c) The executive director shall:

(1) use children as workers in the industries program to the greatest extent feasible; and

(2) expand the industries program by pursuing arrangements with business to use children as workers.

Sec. 61.123. ADVISORY COMMITTEE. (a) A commission industries advisory committee is created consisting of nine members appointed by the commission.

(b) Members serve staggered three-year terms, with the terms of three members expiring February 1 of each odd-numbered year.

Sec. 61.124. PAY AND DISTRIBUTION OF PAY. (a) The commission may develop and administer an incentive pay scale for children who participate in the industries program.

(b) The commission shall apportion wages earned by a child working under the industries program in amounts determined at the discretion of the commission to:

(1) a person to whom the child has been ordered by a court to pay restitution;

(2) the compensation to victims of crime fund and the compensation to victims of crime auxiliary fund created by Article 56.54, Code of Criminal Procedure; and

(3) a trust fund for the child.

Sec. 61.125. INDUSTRIES FUND. (a) A Texas Youth Commission industries program fund is created in the state treasury.

(b) Proceeds from the operation of the industries program shall be deposited in the fund.

(c) Money from the fund may only be appropriated for use by the commission for the administration of this subchapter.

(d) Sections 403.094 and 403.095, Government Code, do not apply to the fund.

Sec. 61.126. CONTRACTS. The industries office, with the approval of the commission, may contract with a private person to conduct an industries program on or off premises operated by the commission.

Sec. 61.127. GRANTS. (a) The industries office may accept a grant for the vocational rehabilitation of children.

(b) The office shall maintain a record of the receipt and disbursement of a grant and shall annually report to the commission on the administration of grant funds.

Sec. 61.128. LEASE OF LAND. (a) The commission may lease land owned by the commission to a private business to expand and develop the industries program.

(b) The term of the lease may not exceed 50 years.

(c) The business must lease the land at fair market value.

(d) The business may construct a new facility on the land or convert an existing facility.

Sec. 61.129. CERTIFICATION FOR FRANCHISE CREDIT. The industries office shall prepare and issue a certification that a corporation requires to establish eligibility for the franchise tax credit for wages paid as provided by Subchapter M, Chapter 171, Tax Code.

Sec. 61.130. OPTIONAL AD VALOREM TAX ABATEMENT. (a) A business contracting with the industries office may enter into an ad valorem tax abatement agreement under Subchapters B and C, Chapter 312, Tax Code, with the governing body of the municipality and county in which the business is located.

(b) If an area in which businesses contracting with the industries office under this subchapter is designated as a reinvestment zone under Chapter 312, Tax Code, the area satisfies Section 312.202(a)(6), Tax Code, in that the area would be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the entity designating the area as a reinvestment zone.

Sec. 61.131. COMPLIANCE. The industries office may enter into a contract with a private business under this subchapter only if the contract specifies that the industries office and the business will comply with the Private Sector/Prison Industry Certification Program operated by the Bureau of Justice Assistance and authorized by 42 U.S.C. Section 3701 et seq.

SECTION ____. (a) Chapter 171, Tax Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. TAX CREDIT FOR WAGES PAID TO CERTAIN CHILDREN COMMITTED TO TEXAS YOUTH COMMISSION

Sec. 171.681. DEFINITIONS. In this subchapter:

(1) "Commission" means the Texas Youth Commission.

(2) "Eligible child" means a person in the industries office program of the Texas Youth Commission operated under Subchapter H, Chapter 61, Human Resources Code.

(3) "Industries office" means the commission industries office created under Subchapter H, Chapter 61, Human Resources Code.

Sec. 171.682. CREDIT. A corporation that meets the eligibility requirements under this subchapter is entitled to a credit in the amount allowed by this subchapter against the tax imposed under this chapter.

Sec. 171.683. CREDIT FOR WAGES PAID TO ELIGIBLE CHILD. (a) The amount of the credit for wages paid by a corporation to an eligible child is equal to 10 percent of that portion of the wages paid that the industries office apportioned under Section 61.124(b), Human Resources Code.

(b) A corporation is eligible for the credit under this section only if it receives before the due date of its franchise tax report for the privilege period for which the credit is claimed a written certification from the industries office stating the amount of the wages that the corporation paid to an eligible child

or to the commission and the amount of those wages apportioned under Section 61.124(b), Human Resources Code, during:

- (1) the privilege period; and
- (2) not more than six months of the preceding privilege period for wages for which a credit has not previously been claimed.

(c) A corporation is eligible for the credit under this section only if the eligible child to whom or for whose benefit it pays wages has been continuously employed by the corporation for not less than six months.

Sec. 171.684. CREDIT FOR WAGES PAID TO EMPLOYEE WHO WAS AN ELIGIBLE CHILD. (a) The amount of the credit for wages paid by a corporation to an employee who was first employed by the corporation when the employee was an eligible child is equal to 10 percent of that portion of the wages paid that, were the employee still an eligible child, the industries office would apportion under Section 61.124(b), Human Resources Code.

(b) A corporation is eligible for the credit under this section only if:

(1) the employee who was formerly an eligible child was continuously employed for not less than six months while an eligible child and has been continuously employed by the corporation for at least one year after the date that the employee was released from commitment to the commission or released under supervision by the commission;

(2) the nature of the employment is substantially similar to the employment the employee had with the corporation when the employee was an eligible child or the employment requires more skills or provides greater opportunities for the employee;

(3) the corporation has provided the industries office a statement of the amount of wages paid the eligible child during the accounting period on which the credit is computed; and

(4) the corporation receives before the due date of its franchise tax report for the privilege period for which the credit is claimed a written certification from the industries office stating the amount of the wages that, were the employee still an eligible child, the industries office would apportion under Section 61.124(b), Human Resources Code.

(c) A corporation may claim a credit under this section only for:

(1) wages paid an employee after the employee has been employed by the corporation for more than one year after the earlier of the date of the employee's release from commitment to the commission or release under supervision by the commission; and

(2) wages paid the employee for not longer than one year.

Sec. 171.685. LIMITATION. The total credits claimed under this subchapter for a privilege period may not exceed 50 percent of the amount of net franchise tax due for the privilege period after any other applicable tax credits.

Sec. 171.686. APPLICATION FOR CREDIT. (a) A corporation must apply for a credit under this subchapter on or with the tax report for the period for which the credit is claimed.

(b) The comptroller shall promulgate a form for the application for the credit. A corporation must use this form in applying for the credit.

Sec. 171.687. PERIOD FOR WHICH CREDIT MAY BE CLAIMED. A

corporation may claim a credit under this subchapter for wages paid during an accounting period only against the tax owed for the corresponding privilege period.

(b) A corporation may claim the credit under Subchapter M, Chapter 171, Tax Code, as added by this section, only for any wages paid or incurred on or after the effective date of this Act and only a franchise tax report due under Chapter 171, Tax Code, on or after January 1, 1996.

Amendment No. 51 was withdrawn.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, postponed until 2 p.m. Thursday, March 23, Appropriations Committee Room, for a briefing on the Appropriations bill.

CSHB 327 - (consideration continued)

Amendment No. 52

Representative Hamric offered the following amendment to **CSHB 327**:

Amend **CSHB 327** by adding the following new SECTIONS to the bill, appropriately numbered, and renumbering existing SECTIONS of the bill accordingly:

SECTION __. Chapter 51, Family Code, is amended by adding Section 51.115 to read as follows:

Sec. 51.115. ATTENDANCE AT HEARING: PARENT OR OTHER GUARDIAN. (a) Each parent of a child, each managing and possessory conservator of a child, each court-appointed custodian of a child, and a guardian of the person of the child shall attend each hearing affecting the child held under:

(1) Section 54.02 (waiver of jurisdiction and discretionary transfer to criminal court);

(2) Section 54.03 (adjudication hearing);

(3) Section 54.04 (disposition hearing);

(4) Section 54.05 (hearing to modify disposition); and

(5) Section 54.11 (release hearing).

(b) Subsection (a) does not apply to:

(1) a person for whom, for good cause shown, the court waives attendance;

(2) a person who is not a resident of this state; or

(3) a parent of a child for whom a managing conservator has been appointed and the parent is not a conservator of the child.

(c) A person required under this section to attend a hearing is entitled to reasonable written or oral notice that includes a statement of the place, date, and time of the hearing and that the attendance of the person is required. The notice may be included with or attached to any other notice required by this chapter to be given the person. Separate notice is not required for a disposition hearing that convenes on the adjournment of an adjudication hearing. If a person required under this section fails to attend a hearing, the juvenile court may proceed with the hearing.

(d) A person who is required by Subsection (a) to attend a hearing, who receives the notice of the hearing, and who fails to attend the hearing may be punished by the court for contempt. In addition to or in lieu of contempt, the court may order the person to receive counseling or to attend an educational course on the duties and responsibilities of parents and skills and techniques in raising children.

SECTION __. Section 53.06(c), Family Code, is amended to read as follows:

(c) The court may endorse on the summons an order ~~[directing the parent, guardian, or custodian of the child to appear personally at the hearing and]~~ directing the person having the physical custody or control of the child to bring the child to the hearing. A person who violates an order entered under this subsection may be proceeded against under Section 54.07 of this code.

Amendment No. 52 was adopted without objection.

CSHB 327, as amended, was passed to engrossment. (Conley, Dukes, Hudson, Price, S. Turner, and Wilson recorded voting no)

SB 449 ON SECOND READING (Telford - House Sponsor)

The speaker laid before the house, as postponed business, on its second reading and passage to third reading,

SB 449, A bill to be entitled An Act relating to membership in, contributions to, and administration of local retirement systems for fire fighters.

SB 449 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Ogden offered the following amendment to the bill:

Amend **SB 449** by striking SECTION 2 of the bill (Committee Printing page 1, line 19 through page 3, line 24) and substituting the following:

SECTION 2. Section 27, Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 27. INVESTMENT OF ASSETS. (a) A board of trustees established under this Act shall keep a sufficient amount of cash on hand to make payments as they become due under the retirement system. If a board determines that the fund of its retirement system contains an amount in excess of the amount needed to make payments as they become due, the board may invest any portion of the excess in:

(1) bonds or other interest-bearing obligations and securities of the United States, the state, or a political subdivision of the state;

(2) shares and share accounts of savings and loan associations to the extent that the shares and share accounts are insured by the Federal Savings and Loan Insurance Corporation;

(3) first-lien real estate mortgage securities insured by the Federal Housing Administration;

(4) bonds of companies incorporated within the United States;

(5) common and preferred stocks of companies incorporated within the United States that, unless the stocks are bank or insurance stocks, are listed on an exchange registered with the Securities and Exchange Commission or its successor;

(6) guaranteed investment contracts offered by insurance companies;

(7) money market funds;

(8) mutual funds and other pooled funds;

(9) international stocks traded as American depository receipts; and

(10) over-the-counter stocks.

(b) In making investments for a retirement system, its board of trustees shall exercise the judgment and care, under the circumstances prevailing at the time of the investment, that persons of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs, not in speculation but when making a permanent disposition of their funds, considering the probable income from the disposition and the probable safety of their capital.

(c) ~~[At any particular time, not more than 60 percent of the book value of the assets of a fund may be invested in corporate stocks.]~~ A board of trustees established under this Act may not invest in the stock or bonds of one corporation more than five percent of the book value of the assets of a fund. A retirement system may not own more than five percent of the voting stock of one corporation.

(d) ~~[After August 31, 1991, a board of trustees established under this Act may not acquire an investment in a bank or other financial institution that directly or through a subsidiary has a loan outstanding to the government of the Republic of South Africa or to an instrumentality of that government.]~~

[(e)] A board of trustees established under this Act shall adopt formal investment policies that emphasize safety and diversity as well as liquidity for benefit payments. In developing those policies, the board of trustees shall give special consideration to the preferred investment practices of the Government Financial Officers Association. Not later than December 31 of each year, the board of trustee shall submit to the fire fighters' pension commissioner a copy of the investment policies adopted by the board [a written investment policy stating how assets of the retirement system that it administers may be invested].

Amendment No. 1 was adopted without objection.

SB 449, as amended, was passed to third reading.

HB 686 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 686, A bill to be entitled An Act relating to the student loan program administered by the Texas Higher Education Coordinating Board; authorizing the issuance of bonds.

The bill was read third time.

Amendment No. 1

Representative Hernandez offered the following amendment to the bill:

Amend **HB 686** on third reading in Section 6 of the bill by striking "\$400 million" and substituting "\$200 million".

Amendment No. 1 was adopted without objection.

HB 686, as amended, was passed.

HB 222 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 222, A bill to be entitled An Act relating to the licensing of agents for health maintenance organizations.

The bill was read third time and was passed.

HB 949 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 949, A bill to be entitled An Act relating to the availability to certain incarcerated individuals of public records or personal information pertaining to certain other individuals.

A record vote was requested.

The bill was read third time and was passed by (Record 84): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hawley.

Absent — Alvarado; Gallego.

HB 1292 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1292, A bill to be entitled An Act relating to the definition of a small business.

The bill was read third time.

Amendment No. 1

Representative Jackson offered the following amendment to the bill:

Amend **HB 1292**, on third reading, in Section 1 of the bill by striking "~~50~~ [~~100~~] employees" in Section 481.101(3)(C), Government Code, and substituting "50 full-time equivalent [~~100~~] employees, as that term is described by Section 2052.102.".

Amendment No. 1 was adopted without objection.

HB 1292, as amended, was passed.

HB 736 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 736, A bill to be entitled An Act relating to the declination of remuneration by elected or appointed state officers.

The bill was read second time.

Amendment No. 1

Representative Craddick offered the following amendment to the bill:

Amend **HB 736** on page 2, between lines 5 and 6, by adding Subsection (e) to added Section 659.003, Government Code, to read as follows:

(e) A person who has irrevocably declined remuneration under this section is not considered to be compensated directly or indirectly for purposes of state law, except that declination of remuneration under this section does not change the character of an office as an office of emolument or a lucrative office for purposes of a provision of the Texas Constitution.

Amendment No. 1 was adopted without objection.

HB 736, as amended, was passed to engrossment.

HB 770 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 770, A bill to be entitled An Act relating to the attorney for service of process of certain insurance companies.

The bill was read second time and was passed to engrossment.

HB 775 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 775, A bill to be entitled An Act relating to corporations transacting certain insurance business.

The bill was read second time and was passed to engrossment.

HB 1207 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 1207, A bill to be entitled An Act relating to the authority of a hospital district to contract with the Texas Department of Health for the provision of certain health care services.

The bill was read second time and was passed to engrossment.

HB 731 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 731, A bill to be entitled An Act relating to the investment of funds of a local government or an institution of higher education.

The bill was read second time and was passed to engrossment.

HB 592 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

HB 592, A bill to be entitled An Act relating to the composition of community justice task forces.

The bill was read second time and was passed to engrossment.

RULES SUSPENDED

Representative Alexander moved to suspend the 5-day posting rule to allow the Committee on Transportation to consider all bills posted for the meeting originally scheduled for 2 p.m. today.

The motion prevailed without objection.

Representative Smithee moved to suspend the 5-day posting rule to allow the Committee on Insurance to consider all bills posted for the meeting originally scheduled for 2 p.m. today.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Civil Practices, on adjournment today, E2.026, Capitol Extension.

Public Education, Subcommittee on Teacher Contracts, 7 p.m. today, E2.036, Capitol Extension, to consider contract issues.

Juvenile Justice and Family Issues, postponed until 30 minutes after adjournment today, E2.016, Capitol Extension.

Licensing and Administrative Procedures will not meet today.

Energy Resources, on adjournment today, Desk 18, to consider **CSHB 1593**.

Transportation, on adjournment today, E1.014, Capitol Extension, to consider all bills posted for the meeting originally scheduled for 2 p.m. today.

Elections, on adjournment today as previously posted.

Elections, Subcommittee on Judicial Campaign Finance, on adjournment of Committee on Elections meeting today.

Insurance, on adjournment today, to consider all bills posted for the meeting originally scheduled for 2 p.m. today.

ADJOURNMENT

Representative Berlanga moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 6:41 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

County Affairs - **HB 1304, HB 1475, SB 253**

Insurance - **HB 46, HB 774, HB 1422, HB 2256**

Urban Affairs - **SB 260**

Ways and Means - **HB 1537**

ENGROSSED

March 21 - **HB 235, HB 305, HB 564, HB 655, HB 680, HB 785, HB 1157, HB 1318, HB 1483, HJR 50**

ENROLLED

March 21 - **HJR 34, HCR 74, HCR 123, HCR 136**

SENT TO THE GOVERNOR

March 21 - **HCR 26**